

ESTTA Tracking number: **ESTTA606737**

Filing date: **05/28/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92056317
Party	Plaintiff Cockpit USA, Inc.
Correspondence Address	E COOKE RAND RAND ROSENZWEIG RADLEY & GORDON LLP 800 THIRD AVENUE, SUITE 2604 NEW YORK, NY 10022 UNITED STATES ccampbell@randrose.com,erand@randrose.com
Submission	Other Motions/Papers
Filer's Name	Catherine S Campbell
Filer's e-mail	ccampbell@randrose.com
Signature	/Catherine S Campbell/
Date	05/28/2014
Attachments	Stipulation and Report.052814.pdf(58606 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

.....
Cockpit USA, Inc.

Petitioner,

v.

Cancellation No. 92056317
Registration No. 2817325

Top Gun Intellectual Properties
LLC,

Registrant.
.....

STIPULATION AND PROGRESS REPORT

WHEREAS, the Trademark Trial and Appeal Board (“Board”) issued an order in the above referenced cancellation proceeding dated March 6, 2013 (“Order”), deciding the Respondent’s motion to dismiss the petition and permitting Petitioner to file a motion seeking leave of the Board to file an amended petition to cancel (“Motion”); and

WHEREAS, after the Order was issued, the parties to the proceeding requested several consecutive suspensions of the proceeding for the purpose of settlement negotiations, and the TTAB granted such suspensions through and to June 3, 2014; and

WHEREAS, the TTAB by a notice dated April 25, 2014, granted the parties’ most recent motion for suspension to and through June 3, 2014, and notified the parties that they must submit a detailed progress report with any further motions to suspend or extend time in the proceedings; and

WHEREAS, the parties report that counsel for the respective parties did enter into substantive settlement negotiations for the period April 2013-May 2014, including most recently, preparation and consideration of a proposed settlement agreement, but determined last week that the parties are not able at this time to reach a settlement; and

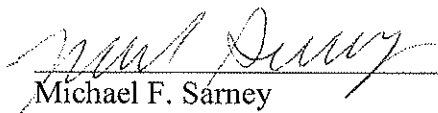
WHEREAS, Petitioner intends to file a Motion as permitted by the Order; and

WHEREAS, counsel for Petitioner and Registrant agree that, due to various circumstances including law office matters, Petitioner be granted an extension until June 20, 2014 to file the Motion, and Respondent's time to answer will be suspended until such time as the Board should set after issuing a decision on the Motion.

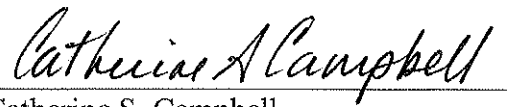
IT IS STIPULATED AND AGREED, that the parties mutually request that the Board set the date for Petitioner to file its Motion as June 20, 2014, and suspend Respondent's time to answer until such time as the Board should set after issuing a decision on the Motion; and

IT IS FURTHER STIPULATED AND AGREED, that a facsimile or photocopy of this Stipulation will have the same force and effect as an original, and Petitioner's attorney will file same with the Board.

Dated: May 28, 2014



Michael F. Sarney
Morris Hock & Hamroff LLP
450 Seventh Avenue - 15th Floor
New York, New York 10123
Tel: (212) 239.2000
Attorneys for Registrant



Catherine S. Campbell
RAND ROSENZWEIG RADLEY & GORDON LLP
445 Hamilton Avenue, Suite 1201
White Plains, New York 10601
Tel: (914) 406-7000
Attorneys for Petitioner